



Journal of the House

State of Indiana

122nd General Assembly

First Regular Session

Eleventh Day

Tuesday Afternoon

February 9, 2021

The invocation was offered by Chaplain Pam Russell of the Public Servant's Prayer.

The House convened at 2:30 p.m. with Speaker Todd M. Huston in the Chair.

The Pledge of Allegiance to the Flag was led by Representative Karickhoff.

The Speaker ordered the roll of the House to be called:

Abbott	Karickhoff
Andrade	King
Austin	Klinker
Aylesworth	Lauer
Baird	Ledbetter
Barrett	Lehe
Bartels	Lehman
Bartlett	Leonard
Bauer	Lindauer
Behning	Lucas
Borders	Lyness
Boy	Manning
Brown, T.	May
Campbell	Mayfield
Carbaugh	McNamara
Cherry	Miller
Clere	Moed
Cook	Morris
Davis	Morrison <input type="checkbox"/>
Davisson	Moseley
DeVon	Negele
DeLaney	Nisly
Dvorak	Olthoff
Eberhart	Pack
Ellington	Payne
Engleman	Pfaff
Errington	Pierce
Fleming	Porter <input type="checkbox"/>
Frye <input type="checkbox"/>	Prescott
GiaQuinta	Pressel
Goodrich	Pryor
Gore	Rowray
Gutwein	Saunders
Hamilton	Schaibley
Harris	Shackleford
Hatcher	Slager
Hatfield	Smaltz
Heaton	Smith, V.
Heine	Snow
Hostettler	Soliday
Jackson	Speedy
Jacob	Steuerwald
Jeter	Sullivan
Johnson	Summers
Jordan	Teshka
Judy	Thompson

Torr
VanNatter
Vermilion
Wesco

J. Young
Zent
Ziemke
Mr. Speaker

Roll Call 95: 97 present; 3 excused. The Speaker announced a quorum in attendance. [NOTE: ☐ indicates those who were excused.]

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Thursday, February 11, 2021, at 2:30 p.m.

LEHMAN

The motion was adopted by a constitutional majority.

RESOLUTIONS ON FIRST READING

House Resolution 7

Representative Karickhoff introduced House Resolution 7:

A HOUSE RESOLUTION recognizing September as Indiana's month of Veteran Suicide Awareness.

Whereas, Those who serve give more than just their lives in combat, and many come home to a far more troublesome life;

Whereas, The freedoms we enjoy are due to the risk and sacrifice so many have given for this country;

Whereas, The time deployed away from home sacrifices relationships, opportunities, and the daily routines so many Hoosiers are accustomed to;

Whereas, Mental health, for all the advancements that have been made in understanding it, is still a difficult struggle for many, and even more so for veterans of this great nation;

Whereas, An analysis conducted by the Department of Veterans Affairs estimates that, between 1979 and 2014, 20 veterans died from suicide per day;

Whereas, A 2013 analysis of veteran suicide rates found that veterans commit suicide at an approximate rate of 30 per 100,000 veterans versus the civilian rate of 14 per 100,000 civilians; and

Whereas, The need to recognize the seriousness of veteran suicide has never been greater and Hoosiers knowing the facts can help lead to greater advancements in assisting the heroes of our communities: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives recognizes September as Indiana's month of Veteran Suicide Awareness.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to Representative Michael Karickhoff for distribution.

The resolution was read a first time and adopted by voice vote.

House Resolution 8

Representatives Gutwein and Hamilton introduced House Resolution 8:

A HOUSE RESOLUTION commending the Indiana Chapter of the Institute of Scrap Recycling Industries and its members during their COVID-19 response.

Whereas, During the COVID-19 Pandemic, it has been essential to keep Indiana's manufacturing industry operational;

Whereas, Indiana's manufacturing industry is a leader in the production of steel, paper and paper products, electronics, aluminum, plastics, textiles, tires, and glass, and continues to produce these materials and products essential to the citizens of Indiana, the United States, and the World;

Whereas, Indiana's manufacturers must have a constant and reliable supply of raw materials in order to produce these materials and products;

Whereas, Indiana's manufacturers would not have access to their needed raw materials without the collection, processing, and manufacturing of recyclable and recovered materials into raw materials by Indiana's recycling industry;

Whereas, In recognition of this fact, Indiana's recyclers have been deemed essential businesses and workers from the onset of the pandemic;

Whereas, Indiana's recyclers have followed all appropriate and required protocols and as a result have operated safely, protecting their employees and customers;

Whereas, Throughout the pandemic, hundreds of thousands of tons of valuable recyclable materials, such as automobiles, scrap metal, electronics, paper, glass, plastics, rubber, and textiles, have been kept out of Indiana's landfills and have been manufactured into valuable raw materials;

Whereas, Those raw materials have been used by manufacturers in Indiana and throughout the world to manufacture products from toilet paper to respirators to new automobiles;

Whereas, Indiana's recycling industry has provided used auto parts for reuse, allowing Indiana's citizens to safely and economically repair their automobiles and maintain reliable transportation throughout the pandemic;

Whereas, Indiana's recycling industry has collected, repaired, and redeployed tens of thousands of mobile technology devices, becoming an alternative supplier to education and corporate entities, facilitating student's remote learning and supporting our great citizens working from home, when international supply chains were disrupted during the pandemic, causing shortages of these devices;

Whereas, Indiana's recycling industry has collected, sorted, and reclaimed plastic products and packaging that could be used as feedstock to manufacture products that enhance hygiene and sanitation, such as disposable hospital gowns and garbage bags;

Whereas, Indiana's recycling industry has continued to collect and recycle scrap tires, protecting public health and the environment and producing valuable rubber products such as those used in vital infrastructure projects; and

Whereas, Indiana's recycling industry has collected, sorted, processed, and delivered recovered fiber to paper, containerboard, and paperboard mills to be used in manufacturing essential products, including tissue products, pulp used in diapers and other personal hygiene products, papers for communication and education, building/construction products, and packaging for food, beverages, food service,

cleaning supplies, pharmaceuticals, medical equipment, and other essential consumer products: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives commends the Indiana Chapter of the Institute of Scrap Recycling Industries and its members during their COVID-19 response.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to Representative Doug Gutwein for distribution.

The resolution was read a first time and adopted by voice vote.

House Concurrent Resolution 11

Representatives Zent and Karickhoff introduced House Concurrent Resolution 11:

A CONCURRENT RESOLUTION recognizing June 8, 2021, as the 100th Anniversary of the founding of the Department of Indiana Veterans of Foreign Wars.

Whereas, On June 8, 1921, a group of War World I veterans assembled in Indianapolis to form the Department of Indiana Veterans of Foreign Wars to assist one another and their families in recovering from the devastation of the "Great War";

Whereas, The Veterans of Foreign Wars is a nonprofit, congressional chartered veterans service organization comprised of eligible veterans and military service members. The VFW and its Auxiliary are dedicated to veterans service, legislative advocacy, and community service;

Whereas, The Indiana Veterans of Foreign Wars now has 28,433 members and 24,748 Auxiliary members, with 148 VFW Posts throughout Indiana;

Whereas, The Veterans of Foreign Wars posts are the "patriotic heartbeat of the community", assisting in community activities such as parades, community events, fundraising, feeding the homeless, Veterans Day celebrations, and Memorial Day remembrances;

Whereas, The Veterans of Foreign Wars in service to the families of veterans provides military ritual burial services to honor our veterans;

Whereas, The Veterans of Foreign Wars posts in Indiana provide many services to the community, with a total of 233,670 hours of volunteer service and \$1,204,249.48 dollars contributed to the community;

Whereas, It is critical that those seeking help or services have access to trauma informed, survivor centered care and treatment;

Whereas, The Veterans of Foreign Wars provides service officers who assist eligible veterans in securing their earned benefits from both the United States Department of Veterans Affairs and the Indiana Department of Veterans Affairs. In the past year, the VFW Service Office has connected with 12,997 veterans and has assisted those veterans in receiving more than \$1.1 millions in benefits earned by their military service;

Whereas, The Veterans of Foreign Wars annually provides scholarship programs for middle school and high school students. Patriot's Pen, the middle school program, and Voice of Democracy, the high school program, had a total of 3,179 entries, and the VFW awarded \$139,400.00 to winning students in 2020; and

Whereas, The Department of Indiana Veterans of Foreign Wars plays a vital role in the lives of many Hoosier veterans and nonveterans: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:*

SECTION 1. That the General Assembly of the State of Indiana is proud to honor the membership of the Veterans of Foreign Wars by declaring June 8, 2021, as Department of Indiana Veterans of Foreign Wars Day.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to Representative Zent for distribution.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Glick.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Family, Children and Human Affairs, to which was referred House Bill 1009, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 4, line 1, after "family;" reset in roman "or".

Page 4, line 3, delete ":" and insert "**or pursuing**".

Page 4, line 6, strike "or".

Page 4, delete lines 10 through 19, begin a line double block indented and insert:

"(D) a postsecondary degree;

(E) a workforce certificate;

(F) a pre-apprenticeship; or

(G) an apprenticeship;"

(Reference is to HB 1009 as introduced.)
and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

DEVON, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Employment, Labor and Pensions, to which was referred House Bill 1309, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1309 as introduced.)

Committee Vote: Yeas 12, Nays 1.

VANNATTER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Veterans Affairs and Public Safety, to which was referred House Bill 1392, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1392 as introduced.)

Committee Vote: Yeas 12, Nays 0.

FRYE R, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Financial Institutions and Insurance, to which was referred House Bill 1405, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 13, delete "(a) This chapter applies to".

Page 1, delete lines 14 through 15.

Page 1, line 16, delete "(b)".

Page 1, run in lines 13 through 16.

Page 2, between lines 1 and 2, begin a new paragraph and insert:

"SECTION 3. IC 12-15-39.6-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 7. (a) The department of insurance or the agency with which the department of insurance has contracted under section 6(b) of this chapter shall make available to any individual interested in participating in ~~the Indiana~~ a long term care program information concerning the following:

(1) The Indiana long term care program **established under this chapter.**

(2) **The Indiana long term care insurance partnership program established under IC 12-15-39.8.**

(3) Long term care insurance policies, **including:**

(A) **qualified long term care policies that meet the definition set forth in section 5 of this chapter; and**
(B) **qualified long term care insurance policies that meet the definition set forth in IC 12-15-39.8-3.**

(4) Medicare supplement insurance policies.

(5) Parts A and B of the Medicare program (42 U.S.C. 1395 et seq.).

(6) Health maintenance organizations under IC 27-13 that are contracted with the Medicare program.

(7) The Medicaid program.

(b) If an individual elects to pursue any of the options under subsection (a), the department of insurance shall assist the individual in doing so.

SECTION 4. IC 12-15-39.6-7.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 7.5. An individual interested in participating in a long term care program after June 30, 2022, may participate in:**

(1) **the Indiana long term care program established under this chapter; or**

(2) **the Indiana long term care insurance partnership program established under IC 12-15-39.8."**

Page 8, after line 41, begin a new paragraph and insert:

"SECTION 9. IC 27-1-20-30 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 30. (a) **This section does not prohibit activities allowed under IC 27-1-47.**

(b) No company acting through its officers or members, attorney-in-fact, or by any other party, no officer of a company acting on the officer's own behalf and no insurance producer, broker, or solicitor, personally or by any other party, shall offer, promise, allow, give, set off or pay, directly or indirectly, any rebate of or part of the premium payable on a policy, or any insurance producer's commission thereon, or earnings, profits, dividends or other benefits founded, arising, accruing, or to accrue thereon or therefrom, or any special advantage in date of policy or age of issue, or any paid employment or contract for services of any kind, or any other valuable consideration or inducement, to or for insurance on any risk in this state, now or hereafter to be written, or for or upon any renewal of any such insurance, which is not specified in the policy contract of insurance, or offer, promise, give, option, sell or purchase any stocks, bonds, securities, or property, or any dividends or profits accruing or to accrue thereon, or other thing of value whatsoever as inducement to insurance or in connection therewith, or any renewal thereof, which is not specified in the policy. Nothing in this section shall prevent a company which transacts industrial life insurance on a weekly payment plan from returning to policyholders who have made a premium payment for a period of at least one (1) year directly to the company at its home or district office a percentage of premium which the company would otherwise have paid for the weekly

collection of such premium, nor shall this section be construed to prevent the taking of a bona fide obligation, with legal interest, in payment of any premium.

(b) (c) No insured person or party or applicant for insurance shall directly or indirectly, receive or accept, or agree to receive or accept, any rebate of premium or of any part thereof, or all or any part of any insurance producer's or broker's commission thereon, or any favor or advantage, or share in any benefit to accrue under any policy of insurance, or any valuable consideration or inducement, other than such as are specified in the policy.

SECTION 10. IC 27-1-22-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 18. (a) **This section does not prohibit activities allowed under IC 27-1-47.**

(b) No insurer, broker, or insurance producer shall knowingly charge, demand, or receive a premium for any policy of insurance except in accordance with the provisions of this chapter. No insurer or employee thereof, and no broker or insurance producer shall pay, allow, or give, directly or indirectly, as an inducement to insurance, or after insurance has been effected, any rebate, discount, abatement, credit, or reduction of the premium named in a policy of insurance, or any special favor or advantage in the dividends or other benefits to accrue thereon, or any valuable consideration or inducement whatever, not specified in the policy of insurance, except to the extent provided for in applicable filings. No insured named in any policy of insurance shall knowingly receive or accept, directly or indirectly, any such rebate, discount, abatement, credit or reduction of premium, or any such special favor or advantage or valuable consideration or inducement. Nothing in this section shall be construed as prohibiting the payment of, nor permitting the regulation of the payment of, commissions or other compensation to duly licensed insurance producers and brokers, nor as prohibiting, or permitting the regulation of, any insurer from allowing or returning to its participating policyholders or members, dividends or savings.

SECTION 11. IC 27-1-31-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 2. (a) An insurer may not cancel a policy of insurance that the insurer has written that has been in effect more than ninety (90) days unless:

- (1) the insured under the policy has failed to pay the premium;
- (2) there is a substantial change in the scale of risk covered by the policy;
- (3) the insured has perpetrated a fraud or material misrepresentation upon the insurer;
- (4) the insured has failed to comply with reasonable safety recommendations; or
- (5) reinsurance of the risk associated with the policy has been cancelled.

(b) An insurer shall **provide mail** a written notice of cancellation to a person insured under a policy issued by the insurer at least:

- (1) forty-five (45) days before cancelling the policy for any reason set forth in subsection (a)(2), (a)(4), or (a)(5);
- (2) twenty (20) days before cancelling the policy for the reason set forth in subsection (a)(3); or
- (3) ten (10) days before cancelling the policy for the reason set forth in subsection (a)(1).

SECTION 12. IC 27-1-31-2.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 2.5. An insurer may cancel a policy of insurance that the insurer has written that has been in effect ninety (90) days or less by **providing mailing** a written notice of cancellation to a person insured under the policy at least:

- (1) ten (10) days before cancelling if an insured has failed to pay a premium;
- (2) twenty (20) days before cancelling if the insured has perpetrated a fraud or material misrepresentation upon the insurer; or

(3) thirty (30) days before cancelling for any other reason.

SECTION 13. IC 27-1-31-3, AS AMENDED BY P.L.148-2017, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 3. (a) If an insurer refuses to renew a policy of insurance written by the insurer, the insurer shall **provide mail** written notice of nonrenewal to the insured:

- (1) at least forty-five (45) days before the expiration date of the policy, if the coverage provided is for one (1) year, or less; or
- (2) at least forty-five (45) days before the anniversary date of the policy, if the coverage provided is for more than one (1) year.

(b) A notice of nonrenewal is not required if:

- (1) the insured is transferred from an insurer to an affiliate of the insurer for future coverage; and
- (2) the transfer results in the same or broader coverage.

SECTION 14. IC 27-1-43-3, AS ADDED BY P.L.119-2014, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 3. (a) **As used in this section, "online platform" means a web site or other digital application designed to facilitate the purchase of insurance policies by parties from a licensed insurer.**

(a) (b) Except as provided in subsection (c); (d), a notice to a party, or another document, that:

- (1) is legally required in an insurance transaction; or
- (2) serves as evidence of insurance coverage;

may be electronically delivered, stored, and presented in compliance with IC 26-2-8.

(b) (c) Electronic delivery of a notice or document under this section is considered to be equivalent to any legally required delivery method, including delivery by:

- (1) first class mail;
- (2) first class mail, postage prepaid;
- (3) certified mail;
- (4) certificate of mail; or
- (5) certificate of mailing.

(c) (d) **Except as provided in subsection (e),** electronic delivery of a notice or document by an insurer to a party is permitted under this chapter if all the following apply:

- (1) The party has affirmatively consented to electronic delivery and has not withdrawn the consent.
- (2) The party, before giving consent, is provided with a clear and conspicuous statement informing the party of all the following:

(A) Any right or option of the party to have the notice or document provided or made available in paper or another nonelectronic form.

(B) The right of the party to withdraw consent to electronic delivery of a notice or document and any fees, conditions, or consequences that will be imposed on the party if the party withdraws consent.

(C) Whether the party's consent applies:

- (i) only to the particular transaction as to which the notice or document must be given; or
- (ii) to identified categories of notices or documents subject to electronic delivery during the course of the party's relationship with the insurer.

(D) The:

- (i) means, after consent is given, by which the party may obtain a paper copy of an electronically delivered notice or document; and
- (ii) applicable fee for the paper copy.

(E) The procedure the party must follow to:

- (i) withdraw consent to electronic delivery of a notice or document; and
- (ii) update information needed to contact the party electronically.

(3) The party:

- (A) before giving consent, is provided with a statement

of the hardware and software requirements for access to and retention of an electronically delivered notice or document; and

(B) electronically:

- (i) consents; or
- (ii) confirms consent;

in a manner that reasonably demonstrates that the party is able to access information in the electronic form that will be used for electronic delivery of notices or documents to which the party has given consent.

(4) If, after the party has consented to electronic delivery of notices or documents, a change in the hardware or software requirements needed for the party to access or retain an electronically delivered notice or document creates a material risk that the party will not be able to access or retain a subsequent notice or document to which the consent applies, the insurer:

(A) provides the party with a statement of the:

- (i) revised hardware and software requirements for access to and retention of an electronically delivered notice or document; and
- (ii) right of the party to withdraw consent without the imposition of a fee, condition, or consequence that was not disclosed under subdivision (2)(B); and

(B) complies with subdivision (2).

(e) Notwithstanding any other provision of this chapter, if a party procures a policy of insurance through an online platform:

(1) the party affirmatively consents to have all notices and other documents related to the policy delivered to the party electronically; and

(2) the conditions set forth in subsection (d)(2) through (d)(4) do not apply to the electronic delivery to the party of notices and other documents related to the policy procured through the online platform.

However, if a party described in this subsection requests to receive notices and documents in paper format, the insurer shall provide all notices and other documents related to the policy to the party in paper format.

SECTION 15. IC 27-1-43-4, AS ADDED BY P.L.119-2014, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 4. (a) This chapter does not affect any applicable legal requirement related to content or timing of a notice or document.

(b) If another law requiring a notice or document to be provided to a party expressly requires verification or acknowledgment of receipt of the notice or document, electronic delivery of the notice or document is permitted only if the method of electronic delivery provides for verification or acknowledgment of receipt.

(c) The legal effectiveness, validity, or enforceability of a contract or policy of insurance executed by a party may not be denied solely because of the failure of the insurer to obtain electronic consent or confirmation of consent of the party in accordance with section ~~3(c)(3)(B)~~ **3(d)(3)(B)** of this chapter.

SECTION 16. IC 27-1-43-5, AS ADDED BY P.L.119-2014, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 5. (a) A withdrawal of consent by a party does not affect the legal effectiveness, validity, or enforceability of a notice or document that is electronically delivered to the party before the withdrawal of consent is effective.

(b) A withdrawal of consent by a party is effective thirty (30) days after the insurer receives notice of the withdrawal.

(c) An insurer's failure to comply with section ~~3(c)(4)~~ **3(d)(4)** of this chapter is, at the election of the party, considered to be a withdrawal of the party's consent under this chapter.

SECTION 17. IC 27-1-43.2-5, AS ADDED BY P.L.129-2014, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 5. (a) As used

in this chapter, "provider" means a person who is contractually obligated to a holder under a service contract.

(b) A merchant or other seller of a service contract is not a "provider" for the purposes of this chapter by virtue of acting as the seller of the service contract.

SECTION 18. IC 27-1-47 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]:

Chapter 47. Activities Not Prohibited as Rebates

Sec. 1. (a) The following definitions apply throughout this section:

(1) "Drawing" means an activity in which:

(A) multiple participating persons could possibly receive a prize; and

(B) the person or persons who receive a prize are determined by chance, as by randomly drawing one (1) or more names or numbers from among many names or numbers.

(2) "Gift" means the voluntary transfer of anything of value without consideration.

(3) "Prize" means something of value received by a person as the result of a drawing.

(b) Notwithstanding any other provision of this title, an insurer, an employee of an insurer, or a producer may do the following:

(1) Offer and give one (1) or more gifts to a person in connection with marketing for the sale or retention of a contract of insurance if the reasonable value of all gifts given by the insurer, employee, or producer to a person in one (1) year does not exceed two hundred fifty dollars (\$250).

(2) Conduct a drawing if:

(A) persons participating in the drawing do not pay or incur a cost for their participation; and

(B) the value of the prize or prizes received by any single person participating in the drawing does not exceed five hundred dollars (\$500).

(c) Neither:

(1) a gift given under subsection (b)(1); nor

(2) a prize received in a drawing conducted under subsection (b)(2);

may be in the form of cash.

Sec. 2. (a) An insurer, by or through its employees, affiliates, insurance producers, or third-party representatives, may offer or provide, for free or at a discounted price, products or services that:

(1) relate to or are provided in conjunction with a policy of insurance; and

(2) are exclusively intended to:

(A) educate about;

(B) assess;

(C) monitor;

(D) control; or

(E) prevent;

risk of loss to persons or to persons' lives, health, or property.

(b) Offering or providing products or services under this section is not a violation of IC 27-1-20-30, IC 27-1-22-18, or IC 27-4-1-4(a)(8).

Sec. 3. (a) Subject to subsection (b), a person holding a license under this title may offer or provide, for free or for less than fair market value, services that are at least tangentially related to an insurance contract or the administration of an insurance contract if the services:

(1) are not contingent upon the purchase of insurance; and

(2) are offered on the same terms to all potential insurance customers.

(b) Before:

(1) the recipient of services described in subsection (a):

(A) receives a quote of insurance; or

(B) purchases insurance; or
(2) an agent of record is assigned to the recipient of the services;
the person offering or providing services under subsection (a) must disclose conspicuously in writing to the recipient of the services that receiving the services is not contingent on the purchase of insurance.

Sec. 4. The insurance commissioner may adopt rules under IC 4-22-2 to administer this chapter.

SECTION 19. IC 27-4-1-4, AS AMENDED BY P.L.50-2020, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 4. (a) The following are hereby defined as unfair methods of competition and unfair and deceptive acts and practices in the business of insurance:

(1) Making, issuing, circulating, or causing to be made, issued, or circulated, any estimate, illustration, circular, or statement:

(A) misrepresenting the terms of any policy issued or to be issued or the benefits or advantages promised thereby or the dividends or share of the surplus to be received thereon;

(B) making any false or misleading statement as to the dividends or share of surplus previously paid on similar policies;

(C) making any misleading representation or any misrepresentation as to the financial condition of any insurer, or as to the legal reserve system upon which any life insurer operates;

(D) using any name or title of any policy or class of policies misrepresenting the true nature thereof; or

(E) making any misrepresentation to any policyholder insured in any company for the purpose of inducing or tending to induce such policyholder to lapse, forfeit, or surrender the policyholder's insurance.

(2) Making, publishing, disseminating, circulating, or placing before the public, or causing, directly or indirectly, to be made, published, disseminated, circulated, or placed before the public, in a newspaper, magazine, or other publication, or in the form of a notice, circular, pamphlet, letter, or poster, or over any radio or television station, or in any other way, an advertisement, announcement, or statement containing any assertion, representation, or statement with respect to any person in the conduct of the person's insurance business, which is untrue, deceptive, or misleading.

(3) Making, publishing, disseminating, or circulating, directly or indirectly, or aiding, abetting, or encouraging the making, publishing, disseminating, or circulating of any oral or written statement or any pamphlet, circular, article, or literature which is false, or maliciously critical of or derogatory to the financial condition of an insurer, and which is calculated to injure any person engaged in the business of insurance.

(4) Entering into any agreement to commit, or individually or by a concerted action committing any act of boycott, coercion, or intimidation resulting or tending to result in unreasonable restraint of, or a monopoly in, the business of insurance.

(5) Filing with any supervisory or other public official, or making, publishing, disseminating, circulating, or delivering to any person, or placing before the public, or causing directly or indirectly, to be made, published, disseminated, circulated, delivered to any person, or placed before the public, any false statement of financial condition of an insurer with intent to deceive. Making any false entry in any book, report, or statement of any insurer with intent to deceive any agent or examiner lawfully appointed to examine into its condition or into any of its affairs, or any public official to which such insurer is

required by law to report, or which has authority by law to examine into its condition or into any of its affairs, or, with like intent, willfully omitting to make a true entry of any material fact pertaining to the business of such insurer in any book, report, or statement of such insurer.

(6) Issuing or delivering or permitting agents, officers, or employees to issue or deliver, agency company stock or other capital stock, or benefit certificates or shares in any common law corporation, or securities or any special or advisory board contracts or other contracts of any kind promising returns and profits as an inducement to insurance.

(7) Making or permitting any of the following:

(A) Unfair discrimination between individuals of the same class and equal expectation of life in the rates or assessments charged for any contract of life insurance or of life annuity or in the dividends or other benefits payable thereon, or in any other of the terms and conditions of such contract. However, in determining the class, consideration may be given to the nature of the risk, plan of insurance, the actual or expected expense of conducting the business, or any other relevant factor.

(B) Unfair discrimination between individuals of the same class involving essentially the same hazards in the amount of premium, policy fees, assessments, or rates charged or made for any policy or contract of accident or health insurance or in the benefits payable thereunder, or in any of the terms or conditions of such contract, or in any other manner whatever. However, in determining the class, consideration may be given to the nature of the risk, the plan of insurance, the actual or expected expense of conducting the business, or any other relevant factor.

(C) Excessive or inadequate charges for premiums, policy fees, assessments, or rates, or making or permitting any unfair discrimination between persons of the same class involving essentially the same hazards, in the amount of premiums, policy fees, assessments, or rates charged or made for:

(i) policies or contracts of reinsurance or joint reinsurance, or abstract and title insurance;

(ii) policies or contracts of insurance against loss or damage to aircraft, or against liability arising out of the ownership, maintenance, or use of any aircraft, or of vessels or craft, their cargoes, marine builders' risks, marine protection and indemnity, or other risks commonly insured under marine, as distinguished from inland marine, insurance; or

(iii) policies or contracts of any other kind or kinds of insurance whatsoever.

However, nothing contained in clause (C) shall be construed to apply to any of the kinds of insurance referred to in clauses (A) and (B) nor to reinsurance in relation to such kinds of insurance. Nothing in clause (A), (B), or (C) shall be construed as making or permitting any excessive, inadequate, or unfairly discriminatory charge or rate or any charge or rate determined by the department or commissioner to meet the requirements of any other insurance rate regulatory law of this state.

(8) Except as otherwise expressly provided by **IC 27-1-47 or another law**, knowingly permitting or offering to make or making any contract or policy of insurance of any kind or kinds whatsoever, including but not in limitation, life annuities, or agreement as to such contract or policy other than as plainly expressed in such contract or policy issued thereon, or paying or allowing, or giving or offering to pay, allow, or give, directly or indirectly, as inducement to such insurance, or annuity, any rebate of premiums payable on the contract, or any special favor or advantage

in the dividends, savings, or other benefits thereon, or any valuable consideration or inducement whatever not specified in the contract or policy; or giving, or selling, or purchasing or offering to give, sell, or purchase as inducement to such insurance or annuity or in connection therewith, any stocks, bonds, or other securities of any insurance company or other corporation, association, limited liability company, or partnership, or any dividends, savings, or profits accrued thereon, or anything of value whatsoever not specified in the contract. Nothing in this subdivision and subdivision (7) shall be construed as including within the definition of discrimination or rebates any of the following practices:

- (A) Paying bonuses to policyholders or otherwise abating their premiums in whole or in part out of surplus accumulated from nonparticipating insurance, so long as any such bonuses or abatement of premiums are fair and equitable to policyholders and for the best interests of the company and its policyholders.
- (B) In the case of life insurance policies issued on the industrial debit plan, making allowance to policyholders who have continuously for a specified period made premium payments directly to an office of the insurer in an amount which fairly represents the saving in collection expense.
- (C) Readjustment of the rate of premium for a group insurance policy based on the loss or expense experience thereunder, at the end of the first year or of any subsequent year of insurance thereunder, which may be made retroactive only for such policy year.
- (D) Paying by an insurer or insurance producer thereof duly licensed as such under the laws of this state of money, commission, or brokerage, or giving or allowing by an insurer or such licensed insurance producer thereof anything of value, for or on account of the solicitation or negotiation of policies or other contracts of any kind or kinds, to a broker, an insurance producer, or a solicitor duly licensed under the laws of this state, but such broker, insurance producer, or solicitor receiving such consideration shall not pay, give, or allow credit for such consideration as received in whole or in part, directly or indirectly, to the insured by way of rebate.
- (9) Requiring, as a condition precedent to loaning money upon the security of a mortgage upon real property, that the owner of the property to whom the money is to be loaned negotiate any policy of insurance covering such real property through a particular insurance producer or broker or brokers. However, this subdivision shall not prevent the exercise by any lender of the lender's right to approve or disapprove of the insurance company selected by the borrower to underwrite the insurance.
- (10) Entering into any contract, combination in the form of a trust or otherwise, or conspiracy in restraint of commerce in the business of insurance.
- (11) Monopolizing or attempting to monopolize or combining or conspiring with any other person or persons to monopolize any part of commerce in the business of insurance. However, participation as a member, director, or officer in the activities of any nonprofit organization of insurance producers or other workers in the insurance business shall not be interpreted, in itself, to constitute a combination in restraint of trade or as combining to create a monopoly as provided in this subdivision and subdivision (10). The enumeration in this chapter of specific unfair methods of competition and unfair or deceptive acts and practices in the business of insurance is not exclusive or restrictive or intended to limit the powers of the commissioner or department or of any court of review under section 8 of this chapter.

(12) Requiring as a condition precedent to the sale of real or personal property under any contract of sale, conditional sales contract, or other similar instrument or upon the security of a chattel mortgage, that the buyer of such property negotiate any policy of insurance covering such property through a particular insurance company, insurance producer, or broker or brokers. However, this subdivision shall not prevent the exercise by any seller of such property or the one making a loan thereon of the right to approve or disapprove of the insurance company selected by the buyer to underwrite the insurance.

(13) Issuing, offering, or participating in a plan to issue or offer, any policy or certificate of insurance of any kind or character as an inducement to the purchase of any property, real, personal, or mixed, or services of any kind, where a charge to the insured is not made for and on account of such policy or certificate of insurance. However, this subdivision shall not apply to any of the following:

- (A) Insurance issued to credit unions or members of credit unions in connection with the purchase of shares in such credit unions.
- (B) Insurance employed as a means of guaranteeing the performance of goods and designed to benefit the purchasers or users of such goods.
- (C) Title insurance.
- (D) Insurance written in connection with an indebtedness and intended as a means of repaying such indebtedness in the event of the death or disability of the insured.
- (E) Insurance provided by or through motorists service clubs or associations.
- (F) Insurance that is provided to the purchaser or holder of an air transportation ticket and that:
 - (i) insures against death or nonfatal injury that occurs during the flight to which the ticket relates;
 - (ii) insures against personal injury or property damage that occurs during travel to or from the airport in a common carrier immediately before or after the flight;
 - (iii) insures against baggage loss during the flight to which the ticket relates; or
 - (iv) insures against a flight cancellation to which the ticket relates.
- (14) Refusing, because of the for-profit status of a hospital or medical facility, to make payments otherwise required to be made under a contract or policy of insurance for charges incurred by an insured in such a for-profit hospital or other for-profit medical facility licensed by the state department of health.
- (15) Refusing to insure an individual, refusing to continue to issue insurance to an individual, limiting the amount, extent, or kind of coverage available to an individual, or charging an individual a different rate for the same coverage, solely because of that individual's blindness or partial blindness, except where the refusal, limitation, or rate differential is based on sound actuarial principles or is related to actual or reasonably anticipated experience.
- (16) Committing or performing, with such frequency as to indicate a general practice, unfair claim settlement practices (as defined in section 4.5 of this chapter).
- (17) Between policy renewal dates, unilaterally canceling an individual's coverage under an individual or group health insurance policy solely because of the individual's medical or physical condition.
- (18) Using a policy form or rider that would permit a cancellation of coverage as described in subdivision (17).
- (19) Violating IC 27-1-22-25, IC 27-1-22-26, or IC 27-1-22-26.1 concerning motor vehicle insurance rates.
- (20) Violating IC 27-8-21-2 concerning advertisements

referring to interest rate guarantees.

(21) Violating IC 27-8-24.3 concerning insurance and health plan coverage for victims of abuse.

(22) Violating IC 27-8-26 concerning genetic screening or testing.

(23) Violating IC 27-1-15.6-3(b) concerning licensure of insurance producers.

(24) Violating IC 27-1-38 concerning depository institutions.

(25) Violating IC 27-8-28-17(c) or IC 27-13-10-8(c) concerning the resolution of an appealed grievance decision.

(26) Violating IC 27-8-5-2.5(e) through IC 27-8-5-2.5(j) (expired July 1, 2007, and removed) or IC 27-8-5-19.2 (expired July 1, 2007, and repealed).

(27) Violating IC 27-2-21 concerning use of credit information.

(28) Violating IC 27-4-9-3 concerning recommendations to consumers.

(29) Engaging in dishonest or predatory insurance practices in marketing or sales of insurance to members of the United States Armed Forces as:

(A) described in the federal Military Personnel Financial Services Protection Act, P.L. 109-290; or

(B) defined in rules adopted under subsection (b).

(30) Violating IC 27-8-19.8-20.1 concerning stranger originated life insurance.

(31) Violating IC 27-2-22 concerning retained asset accounts.

(32) Violating IC 27-8-5-29 concerning health plans offered through a health benefit exchange (as defined in IC 27-19-2-8).

(33) Violating a requirement of the federal Patient Protection and Affordable Care Act (P.L. 111-148), as amended by the federal Health Care and Education Reconciliation Act of 2010 (P.L. 111-152), that is enforceable by the state.

(34) After June 30, 2015, violating IC 27-2-23 concerning unclaimed life insurance, annuity, or retained asset account benefits.

(35) Willfully violating IC 27-1-12-46 concerning a life insurance policy or certificate described in IC 27-1-12-46(a).

(36) Violating IC 27-1-37-7 concerning prohibiting the disclosure of health care service claims data.

(b) Except with respect to federal insurance programs under Subchapter III of Chapter 19 of Title 38 of the United States Code, the commissioner may, consistent with the federal Military Personnel Financial Services Protection Act (10 U.S.C. 992 note), adopt rules under IC 4-22-2 to:

(1) define; and

(2) while the members are on a United States military installation or elsewhere in Indiana, protect members of the United States Armed Forces from;

dishonest or predatory insurance practices.

SECTION 20. IC 27-7-6-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 5. (a) ~~No~~ A notice of cancellation of a policy to which section 4 of this chapter applies ~~shall be~~ is not effective:

(1) unless it is mailed ~~or delivered~~ by the insurer to the named insured at least twenty (20) days prior to the effective date of cancellation; ~~provided, however, that where or~~

(2) if the cancellation is for nonpayment of premium, unless it is:

(A) mailed by the insurer to the named insured at least ten (10) days ~~notice before the effective date of~~ cancellation; and

(B) accompanied by ~~the~~ a written statement of the reason ~~therefor shall be given~~ for the cancellation.

(b) ~~In the event such~~ If a policy was procured by an independent insurance producer duly licensed by the state of Indiana, notice of intent to cancel ~~the policy~~ shall be mailed ~~or delivered~~ to the independent insurance producer at least ten (10) days prior to ~~such the mailing or delivery of the notice of cancellation~~ to the named insured under subsection (a), unless such notice of intent to cancel is or has been waived in writing by the independent insurance producer.

(c) Unless a written statement of the reason for the cancellation accompanies or is included in the notice of cancellation, the notice of cancellation of a policy that is mailed under subsection (a) shall state or be accompanied by a statement that, upon the written request of the named insured that is mailed or delivered to the insurer not less than fifteen (15) days prior to the effective date of cancellation, the insurer will specify the reason for such cancellation.

(d) This section ~~shall~~ does not apply to nonrenewal.

SECTION 21. IC 27-7-6-6, AS AMENDED BY P.L.148-2017, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 6. (a) ~~No~~ An insurer shall not fail to renew a policy unless it ~~shall mail or deliver mails~~ to the named insured, at the address shown in the policy, at least twenty (20) days advance notice of its intention not to renew the policy.

(b) ~~In the event such~~ If a policy was procured by an independent insurance producer duly licensed by the state of Indiana, a notice of intent not to renew the policy shall be mailed ~~or delivered~~ to the independent insurance producer at least ten (10) days prior to ~~such the mailing or delivery of the notice of intention not to renew~~ to the named insured under subsection (a), unless such notice of intent is or has been waived in writing by the independent insurance producer.

(c) This section ~~shall~~ does not apply:

(1) if the insurer has manifested its willingness to renew; or

(2) in case of nonpayment of premium.

However, notwithstanding the failure of an insurer to comply with this section, the policy shall terminate on the effective date of any other insurance policy with respect to any automobile designated in both policies.

(d) A notice of intention not to renew is not required under this section if:

(1) the insured is transferred from an insurer to an affiliate of the insurer for future coverage; and

(2) the transfer results in the same or broader coverage.

(e) Renewal of a policy shall not constitute a waiver or estoppel with respect to grounds for cancellation which existed before the effective date of such renewal.

SECTION 22. IC 27-7-12-3, AS AMENDED BY P.L.116-2011, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 3. (a) Notice of cancellation of property insurance coverage by an insurer must:

(1) be in writing;

(2) be ~~delivered or~~ mailed to the named insured at the last known address of the named insured;

(3) state the effective date of the cancellation; and

(4) upon request of the named insured, be accompanied by a written explanation of the specific reasons for the cancellation.

(b) An insurer shall ~~provide mail~~ written notice of cancellation to the named insured at least:

(1) ten (10) days before canceling a policy, if the cancellation is for nonpayment of a premium;

(2) twenty (20) days before canceling a policy, if:

(A) the cancellation occurs more than sixty (60) days after the date of issuance of the policy; or

(B) the insurer has received a copy of a complaint under IC 32-30-10.5-8(d)(2) concerning the property; and

(3) ten (10) days before canceling a policy, if the

cancellation occurs not more than sixty (60) days after the date of issuance of the policy.

(c) If the policy was procured by an independent insurance producer licensed in Indiana, the insurer shall ~~deliver or~~ mail notice of cancellation to the insurance producer not less than ten (10) days before the insurer ~~delivers or~~ mails the notice to the named insured, unless the obligation to notify the insurance producer is waived in writing by the insurance producer.

SECTION 23. IC 27-7-12-4, AS AMENDED BY P.L.148-2017, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 4. (a) Notice of nonrenewal by an insurer must:

- (1) be in writing;
- (2) be ~~delivered or~~ mailed to the named insured at the last known address of the named insured;
- (3) state the insurer's intention not to renew the policy upon expiration of the current policy period;
- (4) upon request of the named insured, be accompanied by a written explanation of the specific reasons for the nonrenewal; and
- (5) be ~~provided~~ **mailed** to the named insured at least twenty (20) days before the expiration of the current policy period.

(b) If the policy was procured by an independent insurance producer licensed in Indiana, the insurer shall ~~deliver or~~ mail notice of nonrenewal to the insurance producer not less than ten (10) days before the insurer ~~delivers or~~ mails the notice to the named insured **under subsection (a)**, unless the obligation to notify the insurance producer is waived in writing by the insurance producer.

(c) Notice of nonrenewal under this section is not required if:

- (1) the named insured is transferred from an insurer to an affiliate of the insurer for future coverage; and
- (2) the transfer results in the same or broader coverage.

(d) If an insurer mails ~~or delivers~~ to an insured a renewal notice, bill, certificate, or policy indicating the insurer's willingness to renew a policy and the insured does not respond, the insurer is not required to ~~provide mail~~ to the insured notice of intention not to renew."

(Reference is to HB 1405 as introduced.)
and when so amended that said bill do pass.

Committee Vote: yeas 13, nays 0.

CARBAUGH, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Employment, Labor and Pensions, to which was referred House Bill 1516, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between lines 11 and 12, begin a new paragraph and insert:

"SECTION 3. IC 25-0.5-4-34 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 34. The behavior analyst board (IC 25-23.6-3.5) is a board under IC 25-1-4.**

SECTION 4. IC 25-0.5-5-22 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 22. The Indiana professional licensing agency shall perform administrative functions, duties, and responsibilities for the behavior analyst board (IC 25-23.6-3.5) under IC 25-1-5-3(a).**

SECTION 5. IC 25-0.5-6-21 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 21. An individual licensed, certified, registered, or permitted by the behavior analyst board (IC 25-23.6-3.5) is a provider under IC 25-1-5-10.**

SECTION 6. IC 25-0.5-8-38 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 38. An occupation for which a person is licensed, certified, or registered by the behavior analyst board (IC 25-23.6-3.5) is a regulated occupation under IC 25-1-7.**

SECTION 7. IC 25-0.5-10-35 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 35. The behavior analyst board (IC 25-23.6-3.5) is a board under IC 25-1-8-6.**

SECTION 8. IC 25-0.5-11-20 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 20. The behavior analyst board (IC 25-23.6-3.5) is a board under IC 25-1-9.**

SECTION 9. IC 25-23.6-1-2, AS AMENDED BY P.L.122-2009, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 2. (a) "Board", **except as provided in subsection (b)**, refers to the behavioral health and human services licensing board.

(b) "Board", for purposes of IC 25-23.6-3.5, refers to the behavior analyst board."

Page 2, delete lines 23 through 42.

Delete page 3.

Page 4, delete lines 1 through 25.

Page 4, between lines 30 and 31, begin a new paragraph and insert:

"Sec. 1. (a) The behavior analyst board is established.

(b) The board consists of the following members appointed by the governor:

- (1) Three (3) behavior analyst members.
- (2) One (1) consumer member.
- (3) One (1) physician member.

(c) A member appointed to the board serves a term under IC 25-1-6.5.

Sec. 2. Each member of the board who is not a state employee is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). Each member of the board is entitled to reimbursement for travel expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the department of administration and approved by the budget agency.

Sec. 3. A member of the board who is appointed by the governor may be removed under IC 25-1-6.5-4.

Sec. 4. The board shall elect a chairman from among the members of the board for a one (1) year term. An individual may not be elected as chairman for more than two (2) consecutive one (1) year terms.

Sec. 5. The board shall meet at times and places determined by the board.

Sec. 6. (a) The board shall adopt rules under IC 4-22-2 establishing standards for the following:

- (1) The competent practice of behavior analysis.
- (2) The renewal of licenses issued under this chapter.
- (3) Continuing education requirements for an individual seeking renewal of licensure as a behavior analyst or assistant behavior analyst.
- (4) The approval of continuing education providers, programs, courses, fees, and proof of course completion.

(b) The board shall establish fees under IC 25-1-8-2.

(c) The board shall do the following:

- (1) Consider the qualifications of individuals who apply for a license under this chapter.
- (2) Subject to IC 25-1-8-6, renew licenses under this article.
- (3) Conduct proceedings under IC 25-1-9."

Page 4, line 31, delete "1." and insert "7."

Page 5, line 6, delete "board." and insert **"board that is sufficient to cover the operations of the board."**

Page 5, line 7, delete "2." and insert **"8."**

Page 5, line 24, delete "board." and insert **"board that is sufficient to cover the operations of the board."**

Page 5, line 32, delete "3." and insert **"9."**

Page 5, line 42, delete "4." and insert **"10."**

Page 6, line 4, delete "5." and insert **"11."**

Page 6, line 6, delete "6." and insert **"12."**

Page 6, line 40, delete "7." and insert **"13."**

Page 7, line 4, delete "25-23.6-3.5-7" and insert **"25-23.6-3.5-13"**.

Renummer all SECTIONS consecutively.

(Reference is to HB 1516 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

VANNATTER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Family, Children and Human Affairs, to which was referred House Bill 1531, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 17.

Delete page 2.

Page 3, delete lines 1 through 22.

Page 4, delete lines 41 through 42.

Page 5, delete lines 1 through 30.

Page 7, delete lines 15 through 42.

Delete pages 8 through 10.

Renummer all SECTIONS consecutively.

(Reference is to HB 1531 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 2.

DEVON, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Family, Children and Human Affairs, to which was referred House Bill 1536, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1536 as introduced.)

Committee Vote: Yeas 10, Nays 0.

DEVON, Chair

Report adopted.

Representative Summers, who had been present, is now excused.

ENGROSSED SENATE BILLS ON SECOND READING

Engrossed Senate Bill 1

Representative Torr called down Engrossed Senate Bill 1 for second reading. The bill was read a second time by title.

HOUSE MOTION

(Amendment 1-7)

Mr. Speaker: I move that Engrossed Bill 1 be amended to read as follows:

Replace the effective date in SECTION 7 with "[EFFECTIVE UPON PASSAGE]".

Page 4, line 3, after "1." insert **"(a)"**.

Page 4, between lines 3 and 4, begin a new paragraph and insert:

"(b) This chapter applies to a cause of action that accrues on or after March 1, 2020."

Page 4, line 8, delete "in response".

Page 4, line 9, delete "to" and insert **"for"**.

Page 6, line 16, delete "6" and insert **"6(b)"**.

(Reference is to ESB 1 as printed February 2, 2021.)

TORR

Motion prevailed.

HOUSE MOTION

(Amendment 1-1)

Mr. Speaker: I move that Engrossed Senate Bill 1 be amended to read as follows:

Page 5, between lines 13 and 14, begin a new paragraph and insert:

"(c) This chapter does not affect the duty of care owed by a:

(1) nursing facility (as defined in 42 U.S.C. 1396r(a));

(2) nursing home; or

(3) skilled nursing home;

to a patient, notwithstanding any procedures, policies, services, treatment, or any other actions undertaken by the nursing facility, nursing home, or skilled nursing home in response to COVID-19."

(Reference is to ESB 1 as printed February 2, 2021.)

DELANEY

Upon request of Representatives DeLaney and Pryor, the Speaker ordered the roll of the House to be called. Roll Call 96: yeas 29, nays 62. Motion failed.

HOUSE MOTION

(Amendment 1-4)

Mr. Speaker: I move that Engrossed Senate Bill 1 be amended to read as follows:

Page 4, delete line 42.

Page 5, delete lines 1 through 4, begin a new paragraph and insert:

"Sec. 7. (a) As used in this section, "discriminates" means any direct or indirect act or practice of exclusion, distinction, restriction, segregation, limitation, refusal, or denial, or any other act or practice of differentiation or preference in the treatment of a person.

(b) As used in this section, "employer" means:

(1) any individual, partnership, association, limited liability company, corporation, or business trust that has seven (7) or more employees;

(2) the state or any other governmental entity or political subdivision; or

(3) a healthcare facility (as defined in IC 16-18-2-161(a)).

(c) As used in this section, "vaccination" means:

(1) the treatment of an individual with a vaccine to produce immunity against a disease; or

(2) a treatment of an individual that is advertised, promoted, marketed, includes any representations on or within a product or its packaging, or otherwise held up to the public as a vaccination.

(d) This chapter does not grant immunity from civil tort liability to:

(1) a person whose actions or omissions constitute gross negligence or willful or wanton misconduct (including fraud and intentionally tortious acts) as proven by clear and convincing evidence; or

(2) an employer who fails or refuses to hire, discharges, terminates, penalizes, or otherwise discriminates against an employee or prospective employee with respect to the employee's or prospective employee's compensation and benefits or the terms,

conditions, or privileges of employment based on the refusal of the employee or prospective employee to receive a vaccination against COVID-19 if:

(A) the employer has written documentation from the employee's physician or other health care provider indicating the date and place that the individual received a vaccination against COVID-19 and determines that no additional vaccination is required;

(B) the vaccination against COVID-19 is medically contraindicated for the employee;

(C) receiving the vaccination is against the employee's religious beliefs; or

(D) the employee refuses to permit the vaccination against COVID-19 after being fully informed of the health risks."

(Reference is to ESB 1 as printed February 2, 2021.)

NISLY

Upon request of Representatives Nisly and Jacob, the Speaker ordered the roll of the House to be called. Roll Call 97: yeas 3, nays 90. Motion failed. The bill was ordered engrossed.

ENGROSSED HOUSE BILLS ON THIRD READING

Representative Porter, who had been excused, is now present.

Engrossed House Bill 1030

Representative Aylesworth called down Engrossed House Bill 1030 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 98: yeas 91, nays 3. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Niemeyer.

The Speaker yielded the gavel to the Deputy Speaker Pro Tempore, Representative Negele.

Engrossed House Bill 1064

Representative Cherry called down Engrossed House Bill 1064 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 99: yeas 68, nays 24. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Crider, Zay and K. Walker.

Engrossed House Bill 1065

Representative Mayfield called down Engrossed House Bill 1065 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 100: yeas 95, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the

act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Niemeyer.

The Deputy Speaker Pro Tempore yielded the gavel to the Speaker.

Engrossed House Bill 1077

Representative Pressel called down Engrossed House Bill 1077 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning health.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 101: yeas 96, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Bohacek.

Engrossed House Bill 1120

Representative Steuerwald called down Engrossed House Bill 1120 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 102: yeas 95, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Koch.

Representative Saunders, who had been present, is now excused.

Engrossed House Bill 1123

Representative Lehman called down Engrossed House Bill 1123 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 103: yeas 69, nays 27. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Glick, Garten, Gaskill and Messmer.

OTHER BUSINESS ON THE SPEAKER'S TABLE

Referrals to Ways and Means

The Speaker announced, pursuant to House Rule 127, that House Bill 1009 had been referred to the Committee on Ways and Means.

HOUSE MOTION

Mr. Speaker: I move that Representative Porter be added as coauthor of House Bill 1064.

CHERRY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Miller and Barrett be added as coauthors of House Bill 1109.

BARTELS

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that House Rule 105.1 be suspended for the purpose of adding more than three coauthors and that Representatives Abbott, Baird, Barrett, Bartels, Borders, Carbaugh, Cherry, Clere, Cook, Davis, Davisson, Ellington, Goodrich, Gutwein, Heine, Judy, Karickhoff, King, Lehe, Leonard, Lindauer, Manning, Mayfield, May, McNamara, Miller, Morris, Negele, Olthoff, Payne, Prescott, Saunders, Schaibley, Slager, Snow, Soliday, Steuerwald, Teshka, Thompson, VanNatter, Wesco, Young, Zent and Huston be added as coauthors of House Bill 1123.

LEHMAN

The motion, having been seconded by a constitutional majority and carried by a two-thirds vote of the members, prevailed.

HOUSE MOTION

Mr. Speaker: I move that House Rule 105.1 be suspended for the purpose of adding more than three coauthors and that Representatives Abbott, Judy, May, Slager, Cherry, Prescott and Klinker be added as coauthors of House Bill 1166.

SOLIDAY

The motion, having been seconded by a constitutional majority and carried by a two-thirds vote of the members, prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Clere be added as coauthor of House Bill 1467.

DAVISSON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Heine and Klinker be added as coauthors of House Bill 1483.

SNOW

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative V. Smith be added as coauthor of House Bill 1514.

COOK

Motion prevailed.

On the motion of Representative Goodrich, the House adjourned at 4:14 p.m., this ninth day of February, 2021, until Thursday, February 11, 2021, at 2:30 p.m.

TODD M. HUSTON

Speaker of the House of Representatives

M. CAROLINE SPOTTS

Principal Clerk of the House of Representatives